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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

CYNTHIA ZADEL individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

GLOBAL RECEIVABLES
SOLUTIONS, INC., a Delaware
corporation and ALORICA, INC., a
California corporation,

Defendants.

Case No.

CLASS ACTION COMPLAINT

AND

DEMAND FOR JURY TRIAL

Plaintiff Cynthia Zadel (“Zadel”) bring this Class Action Complaint and Demand for Jury Trial (“Complaint”) against Defendants Global Receivables Solutions, Inc. (“Global Receivables Solutions”) and Alorica, Inc. (“Alorica”) (collectively the “Defendants”) to seek redress for their making unsolicited telephone calls to the cell phone of consumers in violation of the Telephone Consumer Protection Act, 47 U.S.C. 227 (the “TCPA”). Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

NATURE OF THE ACTION

1
2 1. Defendant Global Receivables Solutions is a leading large receivable
3 management company, focused on debt collection.
4

5 2. Upon information and belief, in January, 2015 Alorica, a worldwide leader
6 in outsourcing solutions, acquired West Corporation's agent services businesses for
7 \$275 Million. In October, 2015, West Asset Management, Inc. changed its name to
8 Global Receivables Solutions, Inc. The acquisition positioned Alorica to "add
9 receivables management" to their business. The integration of West's agent services
10 added an additional 1,500 near-shore employees (Jamaica and Mexico), 5,400
11 offshore employees (Philippines) and 18,400 domestic employees, bringing Alorica's
12 employee headcount to 48,000 employees.¹ Tom Barker, chairman and CEO of West
13 Corporation remarked that "Our company cultures and technologies are
14 complimentary, and we will work closely together to ensure a smooth transition."²
15 According to Barker, Alorica and West (now Global Receivables Management) intend
16 on integrating West's proprietary work force management system, Spectrum, into their
17 work force.
18
19
20
21

22 3. Unfortunately for consumers, Defendants routinely call the telephone
23 numbers of individuals with whom they have no relationship, such as the neighbors or
24 relatives of its supposed debtors. It often acquires these numbers through unreliable
25
26

27 ¹ <http://www.businesswire.com/news/home/20150107006482/en/Alorica-Announces-Strategic-Acquisition-West-Corporation%E2%80%99s-Agent>

28 ² *Id.*

1 methods like “skip tracing” or number trapping where the called party has not given
2 any consent. Many of these numbers end up being cellphone numbers.

3 4. Defendants lack prior express consent to call the cellphone numbers that
4 they discover without the called party’s prior knowledge or input. By auto-dialing such
5 numbers, without consent, Defendants routinely violate the TCPA.
6

7 5. Defendants’ TCPA violations caused Plaintiff and the classes of
8 consumers set forth herein actual harm, including the aggravation, nuisance, and
9 invasion of privacy that necessarily accompanies the receipt of unsolicited telephone
10 calls, as well as the monies paid to receive such calls.
11

12 6. Plaintiff seeks an injunction to stop Defendants from placing unlawful
13 calls, as well as an award of statutory damages under the TCPA, together with costs
14 and reasonable attorney’s fees.
15

16 **PARTIES**

17 7. Plaintiff Cynthia Zadel is a natural person and resident of the State of
18 Arizona. Plaintiff Zadel resides in Scottsdale, Arizona.
19

20 8. Defendant Global Receivables Solutions, Inc. is a corporation organized
21 and existing under the laws of the State of Delaware. Global Receivables Solutions,
22 Inc. is registered to do business in the State of Arizona. The original name of this
23 corporation was West Asset Management, Inc., but the corporation changed its name
24 to Global Receivables Solutions, Inc. in September, 2015 following Alorica’s
25 acquisition of the company. Defendant Global Receivables Solutions conducts
26 business throughout this District, the State of Arizona, and the United States.
27
28

and/or emanated from this District.

COMMON FACTUAL ALLEGATIONS

13. Defendant Global Receivables Solutions, Inc. is a debt collector with over 3,200 employees and locations in six states plus an offshore location in Makati City, Philippines and Guadalajara, Mexico.

14. Alorica, a customer management and outsourcing solution corporation purchased Global Receivables Solutions from West Corporation for \$275 Million in January, 2015.

15. Alorica, expressed their vision through their CEO Andy Lee that “This acquisition is the next step in our strategic vision to grow Alorica to become the number one BPO provider in our addressable markets.”⁴ Alorica is to use West’s work-force management system, Spectrum, as a core-component of Alorica’s service.

16. Unfortunately for consumers, Defendants utilized (and continues to utilize) a sophisticated telephone dialing system to call cellular telephone users *en masse* for the purpose of collecting debt, often times calling consumers on their cellular phones who have not given Defendants their prior written express consent.

17. Alorica revealed that it uses Avaya/Mosaix dialers as part of its dialer strategy in a recent job posting.⁵

18. In many cases, Defendants contact consumers who owe money at a

⁴ <http://callcenterinfo.tmcnet.com/Analysis/articles/396110-alorica-acquires-west-corporations-agent-services-businesses.htm>

⁵ <http://jobs.climber.com/jobs/Management-Business/-/Dialer-Administrator/50813709> and <https://aloricajobs.taleo.net/careersection/nonstaff/jobdetail.ftl>

1 phone number that the consumer has provided. However, in many other instances,
2 Defendants call the cell phones of friends or relatives of the debtor in an effort to find
3 the whereabouts of the debtor, without their consent, using equipment with the
4 capacity to store or produce telephone numbers, and to dial them, *en masse* without
5 any need for human intervention and without the consumer consent. Specifically, there
6 are numerous complaints of Defendants using autodialed calls and pre-recorded calls
7 to contact relatives of the deceased on their relatives' cell phones or the executor of
8 the deceased's estate.
9

10
11 19. Not surprisingly, these practices have led to significant complaints from
12 consumers regarding West Asset Management, Inc., now Defendant Global
13 Receivables Solutions, Inc.:
14

15 • I have received at least 7 calls from 877-486-5003,
16 requesting to speak with someone who is charge of the estate of
17 recently deceased individual. The caller left her name as Karen
18 Lee and gave me a reference number. Needless to say all calls
19 have been deleted. The damn collection agencies won't even let
20 you die in peace.⁶

21 • Called and left message for the person responsible
22 for the debts of a deceased person that I haven't seen in most 20
23 years.⁷

24 • I have received two calls from this number, both
25 times an educated sounding woman (no accent) left a clear
26 message wanting to speak with whomever was responsible for
27 paying debts for my deceased mother's estate. First, I am almost
28 certain all debts were paid at that time, second my mother has
been gone for more than six years and third, I think there are

⁶ <http://800notes.com/Phone.aspx/1-877-486-5003>

⁷ <http://800notes.com/Phone.aspx/1-877-486-5003>

1 restrictions around how long after a death one may collect. Still, I
2 was concerned. Glad to see it wasn't just me.⁸

3 • I was out of town for a week and a half and when I
4 got home I had received 3 pre-recorded messages asking if I was
the person in charge of the affairs of a ...”

5 • Got a call regarding my late sister-in-law. Neither my
6 husband nor myself have ever had access to any of her bills or
7 other financial info. So, there's no way we're responsible for her
8 affairs. The most pathetic part of the call is they now she's
passed and yet they're still gonna try to collect the debt.⁹

9 • Similar to Andy but my caller had a heavy Eastern
10 European accent and left the name Minerva with a reference
11 number. They called trying to collect debts from my recently
deceased father and had his name correct.¹⁰

12 20. In addition, other consumers have reported publicly that they are hearing
13 a pre-recorded message when they pick up calls from West Asset Management Inc.,
14 now Global Receivables Management, Inc.:

15 • Calling me daily, usually twice in a row. I answered
16 once and got an automated message asking me to hold for an
17 operator. I added the number to my blocked list.¹¹

18 • If I pick up, an automated message says to hold for
19 an important call. I have held for several minutes and no one
20 picks up.¹²

21 • It has been recorded calls, that do not identify the
22 company, asking to stay on the line, or press 1, then it asks me to
23 enter the last 4 digits of my social, which they should not expect
any intelligent person to do.¹³

24
25
26 ⁸ <http://800notes.com/Phone.aspx/1-877-486-5003>

27 ⁹ <http://800notes.com/Phone.aspx/1-877-486-5003>

28 ¹⁰ <http://800notes.com/Phone.aspx/1-877-486-5003>

¹¹ <http://800notes.com/Phone.aspx/1-602-490-0134>

¹² <http://800notes.com/Phone.aspx/1-208-758-0232>

¹³ <http://800notes.com/Phone.aspx/1-208-758-0232>

1 21. In making the phone calls at issue in this Complaint, Defendants and/or
2 their agent(s) utilized an automatic telephone dialing system. Specifically, the
3 hardware and software used by Defendants (or their agents) has the capacity to store,
4 produce, and dial random or sequential numbers, and/or receive and store lists of
5 telephone numbers, and to dial such numbers, *en masse*, in an automated fashion
6 without human intervention. Defendants' automated dialing equipment includes
7 features substantially similar to a predictive dialer, inasmuch as it is capable of making
8 numerous calls simultaneously (all without human intervention).
9
10

11 22. In addition, Defendants continue to call the cellphones of consumers who
12 inform Defendants to stop calling them both orally and through Defendants' automated
13 system.
14

15 23. Defendants acted jointly, pursuant to a contract and/or principal-agent
16 relationship in making such autodialed and pre-recorded voice calls. The particulars of
17 Defendants' relationship rests within the particular knowledge of Defendants and will
18 be demonstrated through discovery.
19

20 24. The TCPA is intended to give consumers control over how and where
21 they receive calls. When Defendants incessantly autodial incorrect or independently
22 discovered numbers, without consent, they take this control away from consumers and
23 violate the TCPA.
24

25 25. Defendants knowingly made (and continues to make) telemarketing calls
26 without the prior express consent of the call recipients and knowingly continues to call
27 such consumers after requests to stop. As such, Defendant not only invaded the
28

1 personal privacy of Plaintiffs and members of the putative Class, but also intentionally
2 and repeatedly violated the TCPA.

3
4 **FACTS SPECIFIC TO PLAINTIFF ZADEL**

5 26. Plaintiff Zadel began receiving calls on her cellular phone number starting
6 around January of 2016.

7
8 27. On several occasions, Plaintiff would answer the calls and hear a
9 noticeable pause, a long silence, or a recorded voice telling her to “stay on the line.”
10 But when Plaintiff would wait for a live operator to pick up the call, no one would come
11 onto the line, and she would finally hang up on those calls.
12

13 28. On other occasions when she would answer their calls, she would hear
14 only silence.

15 29. Plaintiff Zadel estimates she received around three (3) calls per day
16 during the month of January 2016, two of those numbers were 602-490-0134 and 602-
17 635-1788. Defendants own/control such phone numbers.
18

19 30. On February 2, 2016 Plaintiff Zadel called one of the numbers that was
20 calling her 602-635-1788 and spoke to a live operator. The operator mentioned s/he
21 was calling for Bernard Zadel, which is the name of Plaintiff Zadel’s deceased father-
22 in-law. Plaintiff Zadel informed them that she was Bernard Zadel’s executor of his
23 estate and asked what debt they may be calling about. The operator informed her that
24 he could not give her any information. Plaintiff Zadel was puzzled since she estimates
25 that they called her over 50 times (and perhaps more) in a span of several weeks yet
26
27
28

1 refused to reveal to her the matter the call was about. She promptly told the operator
2 to stop calling her cellular phone number.

3 31. Despite her verbal stop request, Plaintiff received another call on
4 February 3, 2016 from Defendants from phone number 602-490-0134. When she
5 answered the call, she immediately heard a pre-recorded message stating “we’re
6 trying to reach Bernard Zadel” and she was prompted to press a number on the
7 touchpad of her cellular phone if she was or was not Bernard Zadel. She pressed a
8 number as instructed that she was not Bernard Zadel. The pre-recorded message then
9 asked if Bernard Zadel “could be reached at this number.” Plaintiff indicated through
10 the touchpad on her cellular phone that he could not be reached at that number.
11
12

13
14 32. Despite these stop requests, Defendants called Plaintiff again on
15 February 4, 2016 and then again on February 5, 2016 from 602-490-0134. And then
16 again on February 10, 2016 from 602-635-1788.
17

18 33. Plaintiff also received a call from Defendants on February 24, 2016.

19 34. Plaintiff does not have a relationship with Defendants, has never provided
20 her telephone number directly to Defendant, and has never permitted Defendants to
21 make autodialed calls to her cellphone regarding debts of Bernard Zadel or for any
22 other reason related to Bernard Zadel.
23

24 35. On information and belief, Bernard Zadel did not have any account with
25 American Express. It is unclear at this time what debt, if any, supposedly owed by
26 Bernard Zadel was the subject of any call(s) placed to Plaintiff. In either case, Plaintiff
27 expressly instructed Defendants not to call any further, yet Defendants continued to
28

1 call her.

2 36. Defendants are and were aware that the above-described telephone calls
3 were and are being made to consumers like Plaintiff who had not consented to receive
4 them and whose telephone numbers were registered with the National Do Not Call
5 Registry.
6

7 **CLASS ALLEGATIONS**

8
9 37. **Class Allegations:** Plaintiff Zadel bring this action pursuant to Federal
10 Rule of Civil Procedure 23(a), (b)(2), and (b)(3) on behalf of herself and three Classes
11 defined below as follows:
12

13 **Autodialed No Consent Class:** All persons in the United
14 States who from March 17, 2012 to the present: (1) Defendants
15 called; (2) on the person's cellular telephone number; (3) for
16 whom Defendants claim they obtained prior express consent in
17 the same manner as Defendants claim they obtained prior
18 express consent to call the Plaintiffs; where (4) the calls did not
19 relate to debt collection calls from or on behalf of American
20 Express.

21 **Pre-Recorded No Consent Class:** All persons in the United
22 States who from March 17, 2012 to the present: (1) Defendants
23 called using a pre-recorded message; (2) on the person's
24 cellular telephone number; (3) for whom Defendants claim they
25 obtained prior express consent in the same manner as
26 Defendants claim they obtained prior express consent to call
27 the Plaintiffs; where (4) the calls did not relate to debt collection
28 calls from or on behalf of American Express.

Stop Call Class: All persons in the United States who from
March 17, 2012 to the present (1) informed Defendants to stop
calling them either verbally or through their digital opt-out
system, and (2) who subsequently received another autodialed
or pre-recorded call to their cell phone from Defendants.

The following people are excluded from the Class:

(1) any Judge or Magistrate presiding over this action and
members of their families; (2) Defendants, Defendants'
subsidiaries, parents, successors, predecessors,
and any entity in which the Defendants or its parents have a

controlling interest and its current or former employees, officers and directors; (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and Defendants' counsel; and, (6) the legal representatives, successors, and assigns of any such excluded persons. Plaintiff anticipates the need to amend the class definitions following discovery related to such issues.

38. **Numerosity:** The exact sizes of each of the Classes are unknown and are not available to Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and belief, Defendants made telephone calls to thousands of consumers who fall into the definition of the Classes. Members of the Classes can be easily identified through Defendants' records.

39. **Commonality and Predominance:** There are many questions of law and fact common to the claims of the Plaintiff and the Classes, and those questions are central to the case and predominate over any questions that Defendants may claim affect individual members of the Classes. Common questions for the Classes include, but are not necessarily limited to the following:

- (a) Whether Defendants' conduct violated the TCPA;
- (b) Whether Defendants systematically made telephone calls to individuals who did not previously provide Defendants and/or its agents with their prior express consent to receive such phone calls;
- (c) Whether Defendants made the calls with the use of an ATDS;
- (d) Whether members of the Classes are entitled to treble damages based on the willfulness of Defendants' conduct.
- (e) Whether Defendants continued to make calls to consumers after

they requested that the calls stop.

40. **Typicality:** Plaintiff's claims are typical of the claims of the other members of the Classes. Plaintiff and the Classes sustained damages as a result of Defendants' uniform wrongful conduct during transactions with Plaintiff and the Classes.

41. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Classes, and have retained counsel competent and experienced in complex class actions. Plaintiffs have no interest antagonistic to those of the Classes, and Defendants have no defenses unique to Plaintiffs.

42. **Policies Generally Applicable to the Classes:** This class action is appropriate for certification because Defendants have acted or refused to act on grounds generally applicable to the Classes as respective wholes, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the Class members, and making final injunctive relief appropriate with respect to the Classes. Defendants' practices challenged herein apply to and affect the Class members uniformly, and Plaintiff's challenge of those practices hinges on Defendants' conduct with respect to the Classes as respective wholes, not on facts or law applicable only to Plaintiff.

43. **Superiority and Manageability:** This case is also appropriate for class certification because class proceedings are superior to all other available methods for the fair and efficient adjudication of this controversy given that joinder of all parties is impracticable. The damages suffered by the individual members of the Classes will likely be relatively small, especially given the burden and expense of individual

1 prosecution of the complex litigation necessitated by Defendants' actions. Thus, it
2 would be virtually impossible for the individual members of the Classes to obtain
3 effective relief from Defendants' misconduct. Even if members of the Classes could
4 sustain such individual litigation, it would still not be preferable to a class action,
5 because individual litigation would increase the delay and expense to all parties due to
6 the complex legal and factual controversies presented in this Complaint. By contrast, a
7 class action presents far fewer management difficulties and provides the benefits of
8 single adjudication, economy of scale, and comprehensive supervision by a single
9 court. Economies of time, effort and expense will be fostered and uniformity of
10 decisions ensured.

11
12
13
14 **FIRST CAUSE OF ACTION**

15 **Violation of 47 U.S.C. § 227**

16 **(On behalf of the Plaintiffs and the Autodialed No Consent Class and the Stop
17 Call Class)**

18 44. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

19 45. Defendants made unsolicited and unwanted telemarketing calls to
20 telephone numbers belonging to the Plaintiff and the other members of the Autodialed
21 No Consent Class—without their prior express written consent—in an effort to place
22 debt collection calls.

23 46. Defendants failed to secure any prior express written or oral consent to
24 call Plaintiff or the other Autodialed No Consent Class members.

25 47. Defendants made the telephone calls using equipment that had the
26 capacity to store or produce telephone numbers to be called using a random or
27
28

1 sequential number generator, and/or receive and store lists of phone numbers, and to
 2 dial such numbers, *en masse*.

3 48. Defendants utilized equipment that made the telephone calls to the
 4 Plaintiff and other members of the Autodialed No Consent Class simultaneously and
 5 without human intervention.
 6

7 49. By making unsolicited telephone calls to Plaintiff and members of the
 8 Autodialed No Consent Class's cellular telephones without prior express consent, and
 9 by utilizing an ATDS, Defendants violated 47 U.S.C. § 227(b)(1)(A)(iii).
 10

11 50. As a result of Defendants' unlawful conduct, Plaintiff and the members of
 12 the Autodialed No Consent Class suffered actual damages in the form of monies paid
 13 to receive the unsolicited telephone calls on their cellular phones and a reduction in
 14 their allotment of minutes and, under Section 227(b)(3)(B), are each entitled to, *inter*
 15 *alia*, a minimum of \$500 in damages for each such violation of the TCPA.
 16
 17

18 51. Should the Court determine that Defendants' conduct was willful and
 19 knowing, the Court may, pursuant to Section 227(b)(3), treble the amount of statutory
 20 damages recoverable by the Plaintiffs and the other members of the Class.
 21

22 **SECOND CAUSE OF ACTION**
 23 **Violation of 47 U.S.C. § 227 *et seq.***
 24 **(On behalf of Plaintiffs and the Pre-Recorded No Consent Class and the Stop**
 25 **Call Class)**

26 52. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

27 53. Defendants made unsolicited and unwanted telephone calls to cellular
 28 telephone numbers belonging to Plaintiff and the other members of the Pre-Recorded
 No Consent Class without their prior express consent.

1 54. Defendants made unsolicited telephone calls to telephone numbers
2 belonging to Plaintiff and the other members of the Pre-Recorded No Consent Class
3 using a prerecorded or artificial voice, more commonly known as a “robocall.”
4

5 55. Defendants failed to secure any prior or express written or oral consent to
6 call Plaintiff or the class members for any reason using an artificial or prerecorded
7 voice.
8

9 56. By making unsolicited robocalls using an artificial or prerecorded voice to
10 Plaintiff and the Pre-Recorded No Consent Class’ cellular telephones without prior
11 express consent, Defendants violated 47 U.S.C. § 227(b)(1)(A)(iii).
12

13 57. As a result of Defendant’s unlawful conduct, Plaintiff and the other
14 members of the Pre-Recorded No Consent Class suffered actual damages in the form
15 of monies paid to receive unsolicited calls and, under 47 U.S.C. § 227(b)(3)(B), are
16 each entitled to, *inter alia*, a minimum of \$500 in statutory damages for each violating
17 of the TCPA.
18

19 58. Should the Court determine the Defendants’ misconduct was willful and
20 knowing, the Court may, pursuant to 47 U.S.C. § 227(b)(3)(C), treble the amount of
21 statutory damages recoverable by Plaintiff and the other members of the Class.
22

23 59. Further, as a result of Defendants’ unlawful conduct, Plaintiff and the other
24 members of the Pre-Recorded No Consent Class are entitled to an injunction under 47
25 U.S.C. § 227(b)(3)(A), to ensure that Defendants’ violations of the TCPA do not
26 continue into the future.
27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Cynthia Zadel, individually and on behalf of the Classes, prays for the following relief:

1. An order certifying the Classes as defined above, appointing Plaintiff Cynthia Zadel as the representative of the Classes and appointing her counsel as Class Counsel;

2. An award of actual and statutory damages;

3. A declaratory judgment that Defendants' telephone calling equipment constitutes an automated telephone dialing system under the TCPA;

4. An injunction requiring Defendants and their agents to cease all unsolicited telephone calling activities, and otherwise protecting the interests of the Classes;

5. An order requiring Defendants to pay restitution for any money or property lost or interfered with as a result of its unlawful telephone calling practices;

6. An order requirement Defendants to permanently cease-and-desist from all unlawful conduct as alleged herein, and otherwise protecting the interests of the Classes;

7. An award of reasonable attorneys' fees and costs; and

8. Such other and further relief that the Court deems reasonable and just.

TRIAL BY JURY

Pursuant to Federal Rules of Civil Procedure 38(b) Plaintiff has demanded a trial by jury.

Dated this 29th day of March, 2016.

Respectfully Submitted,

CYNTHIA ZADEL, individually and on
behalf of all others similarly situated,

By: /s/ Steven J. German
One of Plaintiff's Attorneys

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